



ESTATE PLANNING

***PAVING AN EASIER WAY FOR
YOUR LOVED ONES***

**THE WHEN, WHERE, & HOW OF
TRANSFER ON DEATH DEEDS**

Prepared by

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TRANSFER ON DEATH DEEDS

THE DIFFERENCE BETWEEN \$1200-\$3500 AND \$36

Under Texas Law, a Lawyer is required to probate an estate even if all you leave is a home. This can cost anywhere from \$1,200 to \$3,500 while it only cost \$34 on average to file a Transfer on Death Deed.

- Texas law allows real property owners to record a deed naming a beneficiary to their real property after their death in a document called a Transfer on Death Deed (TODD).
- The owner retains full ownership rights during their life.
- The TODD must include the full legal description of the real property.
- The owner has to record the deed in the Real Property Records of the county clerk where the property is located. **IF THEY DO NOT RECORD IT AT THE COUNTY CLERK'S OFFICE, THE DEED IS NOT VALID.**
- A Transfer on Death Deed trumps a will. A will has no effect on a Transfer on Death Deed.
- Under current law, a Transfer on Death Deed excludes the real property from Medicaid estate recovery.
- Upon your death your beneficiary simply files a *Affidavit of Death for the Transfer on Death Deed* to transfer the property to their name(s). This is a 1-page form that on average only costs your loved ones an average of \$18 to file.

Information needed to create a TODD:

- The full legal name as shown on their state ID of each homeowner and each beneficiary
- The street address of the real property
- The legal description of their property

How to locate the legal description:

Go to [HCAD.org](https://www.hcad.org) and search for your property to find its subdivision.

Real Property Records	
Tax Year: 2023	HARRIS CENTRAL APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION ACCOUNT NUMBER 108446000007
Print E-mail	
Owner Services	Similar Owner Name Nearby Addresses Same Street Name Related Map 5164C
Ownership History	
Owner and Property Information	
Owner Name & Mailing Address: ROBINSON RAY & AUDREY 10210 TRADE WINDS DR HOUSTON TX 77086-2130	Legal Description: LT 7 BLK 24 NORTHWEST PARK SEC 2 Property Address: 10210 TRADE WINDS DR HOUSTON TX 77086

NOTE: This is not the legal description.

The legal description of a property is contained in the deed to the property, so you need to locate your deed.

For Harris County go to <https://www.cclerk.hctx.net/>

For Fort Bend County go to <https://ccweb.co.fort-bend.tx.us/RealEstate/SearchEntry.aspx>.

Select Search Real Property Records in the county where the property is located!

You can search by your name as Grantee and the property matches the location of the property you wish to transfer to a beneficiary after your death.

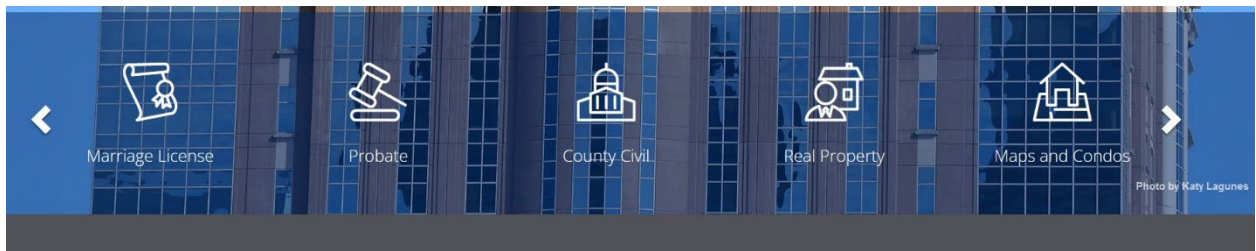
Example from Harris County Real Property Records:

HOME	NEWS	HOW DO I...	DEPARTMENTS	SEARCH RECORDS	CONTACT US
ed and non-certified copies of various documents. For more information contact the Public Records 8-274-6390 or email ccoinfoFM@hccountyclerk.com .					
RIS COUNTY CLERK'S OFFICE					

If you do not have an account with the Harris County Clerk, select new user and set up an account.

LOG IN NEW USER FORGOT PASSWORD
PERSONAL RECORDS COMMISSIONERS COURT

Log in to your account and select Real Property.



Type the owner's name in the Grantee search box and click Search.

A search form with a blue background. It contains several input fields: 'File Number', 'Film Code', 'Date (From)' (with a calendar icon), 'Date (To)' (with a calendar icon), 'Grantor' (with a dropdown arrow), 'Grantee' (filled with 'Robinson Ray'), 'Trustee' (with a dropdown arrow), 'Subdivision or Description', 'Instrument Type', 'Volume and Page', 'Section', 'Lot', and 'Block'. At the bottom left are 'SEARCH' and 'CLEAR' buttons. A small credit 'Photo by Katy Lagunes' is at the bottom right.

Locate the owner's name and then the name of the subdivision as shown on HCAD. Look for an entry listed as W/D or deed.

Click the record underlined in blue.

	U221878	02/11/2000	<u>W/D</u>	Grantor: FAST SOLUTION LLC Grantee: ROBINSON AUDREY ETAL Grantee: ROBINSON RAY ETAL	Desc: NORTHWEST PARK Sec: 02 Lot: L0007 Block: B0024	2	530631406
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Open the document. This is the correct legal description.

Property (including any improvements):

Lot 7, Block 24, of Northwest Park, Section 2, according to map or plat thereof recorded in Volume 223, Page 48, of the Map Records of Harris County, Texas.

Proceed to [TexasLawHelp.org](https://www.texaslawhelp.org) to begin drafting the transfer on death deed.

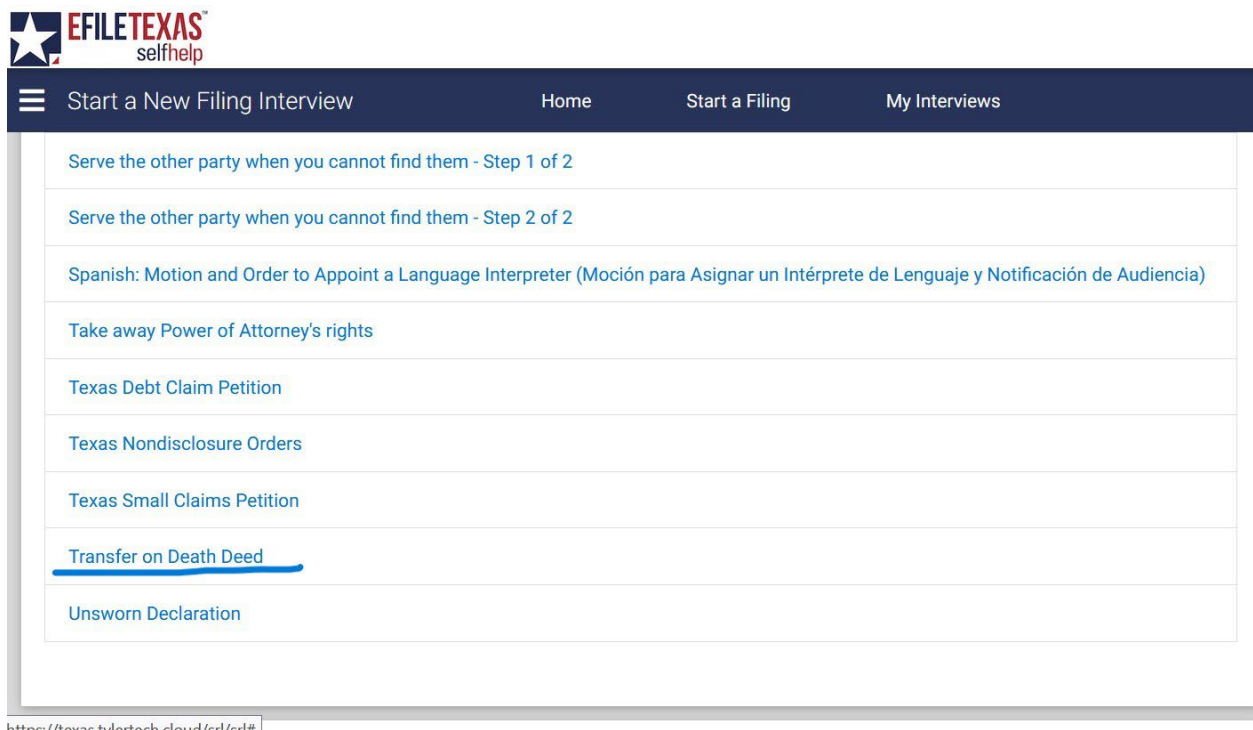
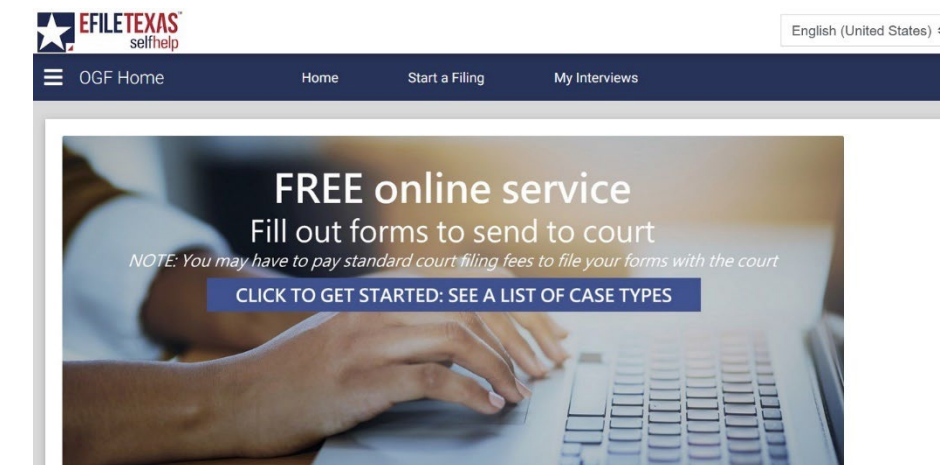
TEXAS LAW HELP has most of the answers to your common legal issues. It is a wonderful resource dedicated to providing free and reliable legal information to Texans.

To draft a transfer on death deed using an **ONLINE ANSWER GUIDED LEGAL FORMS**, go to <https://texas.tylertech.cloud/SRL/srl/ExecuteInterview>.

You will need to set up your own account with Efile Texas. You can do so at the above link by selecting the account icon in the upper right corner and selecting “Register.”

Click “**Start a Filing**” to see a list of case types.

Select Transfer on Death Deed



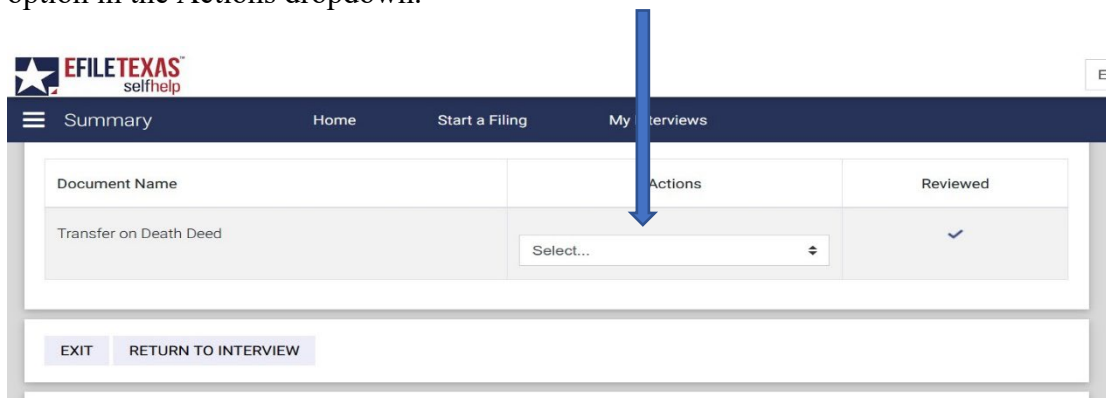
You will click through five introductory screens.

Then you will be prompted to enter the following information:

- Client's name and address
- Co-owner's name if applicable
- Legal description of property
- Address of property
- Information about the beneficiaries

Once that information is complete, you will be directed to a survey. You can skip the survey.

Proceed to the next page to view and/or download the document for the client by selecting an option in the Actions dropdown.



The screenshot shows the EFILETEXAS selfhelp web application. The top navigation bar includes a hamburger menu, 'Summary', 'Home', 'Start a Filing', and 'My Interviews'. Below this is a table with columns 'Document Name', 'Actions', and 'Reviewed'. A single row is visible with 'Transfer on Death Deed' in the first column, a 'Select...' dropdown in the second column, and a checkmark in the third column. A blue arrow points down to the 'Select...' dropdown. At the bottom of the table are two buttons: 'EXIT' and 'RETURN TO INTERVIEW'.

Document Name	Actions	Reviewed
Transfer on Death Deed	Select...	✓

Next, **you must sign the form in front of a notary**. If two people own the property, both need to sign before a notary. Do not sign or date the form until you are standing in front of a notary public.

Finally, **you must record the form**. You must file this completed and notarized form with the county clerk where the property is located. The Transfer on Death Deed must be recorded before your death to be effective.

When you go the county clerk's office:

- Bring the original and one copy of the form only; **do not file the instructions**.
- Bring personal identification. The county clerk may require you to show personal identification before you file this document.
- Bring a form of payment.
 - The county clerk will charge a fee to file the Transfer on Death Deed, which is typically a per page fee.
 - Many county clerks do not accept checks.
 - You may want to call the county clerk's office and find out how much the charge will be and whether they accept checks before you go.
- File the original and ask them to return a copy of the original with the recording information on it to the owner.

If you are unable to file the form yourself and would like someone else to file it for you, contact the clerk's office to see what their procedure for such a situation.

Once the Transfer on Death Deed has been recorded, it will be returned to the property owner with the specific information (the volume, page number, and/or deed number) on where the deed has been recorded in the county clerk's office so that it can be located later. Keep the Transfer on Death Deed in a safe place.

If you change your mind about who you want to get your home after your death you can complete and file:

1. A new Transfer on Death Deed with your new beneficiary,
2. Cancellation of Transfer on Death Deed
3. Or a divorce decree if your spouse was the beneficiary.

A Cancellation of Transfer on Death Deed can also be completed as a guided form on TexasLawHelp.

Notify the beneficiary of your Transfer on Death Deed that they are inheriting your house. When you die, they will need to file an Affidavit of Death and record it at the county clerk's office to officially transfer title into their name(s). They can find an Affidavit of Death at https://texaslawhelp.org/sites/default/files/2022-05/death_affidavit_from_all-forms-2021-3.pdf.

You must contact the County Clerk's office and file the TODD with the clerk in the county where the property is located. **This process only applies to property located in Texas.**

Local County Clerk Real Property Department:

Harris County Clerk Real Property Department Harris County Civil Courthouse 201 Caroline, Suite 320 Houston, TX 77002 (713) 274-8680	Fort Bend County Clerk 301 Jackson St Richmond, TX 77469 281-342-3411 281-341-8685
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For more information about the Earl Carl Institute for Legal & Social Policy, visit
www.earlcarlinstitute.org.

To access online intake applications requesting free legal services visit
https://www.tsulaw.edu/centers/ECI/apply_for_legal_services.html.



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